

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-5, 7-12, 14-19, and 21 are currently pending. Claims 6, 13, and 20 have been canceled without prejudice; and Claims 1, 7, 8, 14, 15, and 21 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, the Examiner indicated that, in the IDS filed February 9, 2004, the PTO Form 1449 was missing; Claims 1-5, 8-12, and 15-19 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. US 2001/0054026 to Choate (hereinafter “the ‘026 application”); and Claims 6, 7, 13, 14, 20, and 21 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.¹

Regarding the Examiner’s indication that the IDS Paper No. 6 filed February 9, 2004, did not contain a PTO Form 1449, Applicants note that that IDS was not intended to include a PTO Form 1449 and merely listed another patent application that is related to the present application. A copy of the filed papers are submitted herewith for the convenience of the Examiner.

Applicants respectfully submit that the rejection of Claim 1 is rendered moot by the present amendment to that claim. Claim 1 has been amended to incorporate the limitations recited in dependent Claim 6. Moreover, Claim 6 has been canceled without prejudice, and

¹ In a discussion with the Examiner on June 17, 2005, Applicants’ representative confirmed that, contrary to items 5, 10, and 11 in the outstanding Office Action, Claims 6, 7, 13, 14, 20, and 21 would be allowed if rewritten in independent form. Thus, Applicants believe that the statement on page 3 that Claims 1-21 are rejected under 35 U.S.C. § 102(e) is in error. Further, since Claims 7, 14, and 21 depend from allowed Claims 6, 13, and 20, respectively, Applicants believe the statement on page 5 indicating the only Claims 6, 13, and 20 are allowed is in error.

Claim 7 has been amended to depend from Claim 1. Accordingly, based on the indicated allowability of Claim 6, Applicants respectfully submit that Claim 1 (and dependent Claims 2-5 and 7) patentably define over the '026 application and are in condition for formal allowance.

Applicants respectfully submit that the rejection of Claim 8 is rendered moot by the present amendment to that claim. Claim 8 has been amended to incorporate the limitations recited in allowed Claim 13. Accordingly, Claim 13 has been canceled without prejudice, and Claim 14 has been amended to depend from Claim 8. Accordingly, Applicants respectfully submit that Claim 8 (and dependent Claims 9-12 and 14) patentably define over the '026 application and are in condition for formal allowance.

Applicants respectfully submit that the rejection of Claim 15 is rendered moot by the present amendment to that claim. Claim 15 has been amended to incorporate the limitations recited in allowed Claim 20. Accordingly, Claim 20 has been canceled without prejudice, and Claim 21 has been amended to depend from Claim 15. Accordingly, Applicants respectfully submit that Claim 15 (and dependent Claims 16-19 and 21) patentably define over the '026 patent and are in condition for formal allowance.

Thus, it is respectfully submitted that independent Claims 1, 8, and 15 (and all associated dependent claims) patentably define over the '026 application.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)
KMB:sih

I:\ATTY\KMB\194538US-AM.DOC

Kurt M. Berger

James J. Kulbaski
Attorney of Record
Registration No. 34,648
Kurt M. Berger, Ph.D.
Registration No. 51,461



OSMM&N File No. 194538US2

Serial No. 09/782,083

In the matter of the Application of: Tetsuro MOTOYAMA, et al.

For: **METHOD AND SYSTEM OF REMOTE DIAGNOSTIC, CONTROL AND INFORMATION COLLECTION USING MULTIPLE FORMATS AND MULTIPLE PROTOCOLS WITH DELEGATING PROTOCOL PROCESSOR**

Dept.: E/M
By: JJK/KMB/brf

Due Date: February 7, 2004

The following has been received in the U.S. Patent Office on the date stamped hereon

- IDS/Related>List of Related Cases
- Cited Pending Application (1)
- Dep. Acct. Order Form

COPY



Docket No. 194538US2



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Tetsuro MOTOYAMA, et al.

SERIAL NO: 09/782,083

GAU: 2155

FILED: February 14, 2001

EXAMINER:

FOR: METHOD AND SYSTEM OF REMOTE DIAGNOSTIC, CONTROL AND INFORMATION COLLECTION
USING MULTIPLE FORMATS AND MULTIPLE PROTOCOLS WITH DELEGATING PROTOCOL
PROCESSOR

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicant(s) wish to disclose the following information.

COPY

REFERENCES

- The applicant(s) wish to make of record the references listed on the attached form PTO-1449. Copies of the listed references are attached, where required, as are either statements of relevancy or any readily available English translations of pertinent portions of any non-English language references.
- A check or credit card payment form is attached in the amount required under 37 CFR §1.17(p).

RELATED CASES

- Attached is a list of Applicants' pending application(s) which may be related to the present application. A copy of the claims and drawings of the pending application(s) is attached.
- A check or credit card payment form is attached in the amount required under 37 CFR §1.17(p).

CERTIFICATION

- Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this statement.

DEPOSIT ACCOUNT

- Please charge any additional fees for the papers being filed herewith and for which no check or credit card payment is enclosed herewith, or credit any overpayment to deposit account number 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 05/03)

James J. Kulbaski
Registration No. 34,648

Kurt M. Berger, Ph.D.
Registration No. 51,461



LIST OF RELATED CASES

<u>Docket Number</u>	<u>Serial or Patent Number</u>	<u>Filing or Issue Date</u>	<u>Inventor/Applicant</u>
194538US2*	09/782,083	02/14/01	MOTOYAMA et al.
242077US2X	10/702,485	11/07/03	MOTOYAMA

COPY

*Present Application; listed for information
JKK/KMB/ae/akh

I:\EMEMREL\190s\199s\194538US LIST.DOC